

RECEIVED  
AUG 28 1986

August 27, 1986

WATER RIGHTS  
SALT LAKE

Mr. Kent Jones, Area Engineer  
State of Utah Natural Resources  
1636 West North Temple, Suite 220  
Salt Lake City, Utah 84116-3156

Dear Mr. Jones:

Early this spring, my mother, Mrs. Bernece Faulkner and I were in your office to discuss with Mr. Harvey irrigation problems we were having on the Faucett Field Ditch. Subsequent to that visit, you and Mr. Harvey made a field inspection and explained Utah water law to the ditch president, Mr. Dennis Chapman, and others of us who were there. For a time it appeared that our problems were being solved because we finally began to get irrigation water down that ditch and onto our land.

A new problem, however, has now emerged. In the past week, while the city was installing curb and gutter in the development to the east of us and in the area north of our property, our lateral of the Faucett Field Ditch was again covered up and all water was diverted out of it. Our livestock had no water and had to be moved.


During the course of a conversation we had with Mr. Chapman, when we called to ask what was going on, he informed us that he, the vice-president, and the ditch master had decided we did not have stock watering rights. When we protested, he threatened to cut off every drop of water from our lateral except that used for our irrigating turn.

We've been informed by knowledgeable people that paragraph 124 of the Morse Degree states "that all the rights declared and decreed herein, for irrigation purposes, include the right to divert and use water for irrigation, culinary, domestic and agricultural purposes connected herewith". And that the "agricultural" purposes referred to have been interpreted, by law, to mean stock watering, since "irrigation" was already mentioned in the sentence.

In addition, we have had at least a continuous trickle in that ditch for the past 43 years to water our livestock. At the time we purchased the property, water was flowing freely in the ditch and animals were being watered from it. Prior to our ownership, a member of the previous owner's family tells me there was always water in the ditch for the same purpose. Attached to this letter is an early page from our property abstracts which describes the 1878 water rights attached to our property.

My question is, do we indeed have stock watering rights? And if we do, would it be possible for you to please send me a statement to that effect so that I can show it to Mr. Chapman? Our family appreciates the time you have spent and all the help you have given us in solving our water problems.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane L. Jarvis".

Diane L. Jarvis

# Utah Title Company

PROVO, UTAH

0330

ENTRY NO. 14

United States.

Patent.

Recorded Sept 29. 1879

Book K Page 65.

Dated August 6. 1878

Certified By S.W. Clark  
Recorder of the General  
Land Office of the  
United States.

Thatcher C Hallett.

Grants;

The Lots Numbered one and two and the East Half of the North East quarter of Section 19 Township 6 South Range 3 East of Salt Lake Meridian. Area 160.39 acres.

Subject to any vested and accrued water rights for Mining and manufacturing agricultural and other purposes and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs laws and decisions of courts.

14.

✓